



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

THE ENVIRONMENT COMMITTEE

TESTIMONY OF CHAIRMAN KEVIN M. DELGOBBO

House Bill No. 5121; ACC ENVIRONMENTAL JUSTICE
March 1, 2010

The Department of Public Utility Control (Department) opposes House Bill No. 5121. The Department recognizes that Raised Bill No. 5121 may provide benefits regarding pollution in communities that are already experiencing significant health and environmental concerns due to harmful emissions. This bill as proposed would add two additional agencies to the list of state agencies already required to participate in negotiations with affected towns where new plants such as generators, sewage treatment plants and recycling facilities may be sited. While we cannot speak on behalf of the Department of Economic and Community Development (DECD), our Agency believes that this proposal has the potential to create both significant challenges and obstacles if it were to be tasked with such new responsibilities.

This raised bill directs the Department of Environmental Protection (DEP) the DPUC, the DECD, and the Siting Council to require that applicants seeking to obtain certificates under Chapter 277a new or expanded permits or siting file a "meaningful public participation plan" prior to filing any application with the named agencies. This also includes negotiating with each affected community a "Community environmental benefit agreement" which entails negotiating mitigation measures for any negative impacts resulting from the applicant's request.

Concerning the meaningful public participation plan" prior to filing any application, the Department notes that its proceedings are all subject to the Uniform Procedures Act (UAPA) which has strict guidelines and standards for public notice requirements and participation in DPUC proceedings. Furthermore, the DPUC is constantly working on its website to enable greater transparency by providing all docket information in a user-friendly manner as well as changing its rules of practice to allow for electronic filing and notice subscribership to anyone interested in receiving email alerts when documents are filed and decision rendered in its proceedings.

More importantly, unlike the DEP and the Siting Council, the DPUC is not involved in approving certificates with regards to landfills, sewage treatment facilities, generators and the like. The mission of the DPUC is to be a financial and economic regulator balancing the needs of utilities and ratepayers in the state. To require the DPUC to review and approve mitigation plans to siting such facilities in affected communities in the form prescribed here: in the way of funding for environmental education, biking and walking paths, staffing for parks, is completely outside of the DPUC's purview and statutory mandate.

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